

FILED
U.S. DISTRICT COURT
SAVANNAH, GA.

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

CLERK
SO. DIST. OF GA.

KENNETH RAMON SANDERS,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Defendant.)

CASE NO. CV409-197

O R D E R

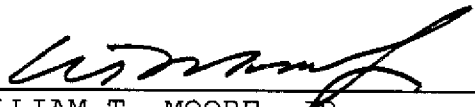
Before the Court are Plaintiff Kenneth Ramon Sanders's Motion for Status Hearing (Doc. 8) and Objections to the Magistrate Judge's Report and Recommendation (Doc. 10). After the Court adopted the report and recommendation, Plaintiff filed a Motion for Status Hearing, claiming that he never received a copy of the report and recommendation and requesting that he be mailed a copy.¹ (Doc. 8.) In response, the Government mailed a copy of the report and recommendation to Plaintiff. (Doc. 9.) Subsequent to receiving the report and recommendation, Plaintiff filed his objections.

As it appears that Plaintiff has received a copy of the report and recommendation, Plaintiff's Motion for

¹ Curiously, a review of the docket indicated that both the report and recommendation and order were sent to the same address. However, only the report and recommendation was returned as undeliverable. (See Doc. 4.)

Status Hearing is **DISMISSED AS MOOT**. After receiving Plaintiff's objections, the Court has conducted a de novo review of the record in this case. However, the Court concludes that Plaintiff is still not entitled to relief. The Court has repeatedly informed Plaintiff that if he wishes to have his sentence recalculated due to the Georgia Supreme Court vacating two of his state convictions, he must first file an "Application for Leave to File a Second or Successive Habeas Corpus Petition" with the Eleventh Circuit Court of Appeals, using the form provided by the Clerk of Court for the Eleventh Circuit. After receiving permission from the Eleventh Circuit, Defendant may then submit his § 2255 petition to this Court. Until Defendant follows these procedures, this Court lacks jurisdiction to rule on any § 2255 petition from Defendant.²

SO ORDERED this 31st day of March 2011.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

² In addition, Plaintiff's Motion for Hearing (Doc. 11) is **DISMISSED AS MOOT**. As this case remains closed, Plaintiff's Motion for Summary Judgment (Doc. 12) is also **DISMISSED AS MOOT**.